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PFC

51334
(0329)

Mailing Date: July 16, 2002

Client: Shipley (70329)

Inventors: Tsuchida et al.

Serial No.: 10/010,193

Filing Date: December 5, 2001



Attorney/Sec: PFC/dmr

Docket No.: 51334

Patent No.:

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Petition to Correct Correspondence Filing Date for
Date-In Incorrectly Entered or Omitted on Express Mail
Label; Declaration of Deanna M. Rivernider; Copy of the
first page of Correspondence showing both date and Express
Mail Label No.; Completion of Filing Requirements; Executed
Declaration and Power of Attorney; Assignment Recordation
Cover Sheet; Executed Assignment Document; Transmittal of
Certified Copy; Certified copy of JP 2000-370340; and
Due Date: checks totaling \$700.00.
July 18, 2002



Practitioner's Docket No. 51334

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Tsuchida et al.
Application No.: 10/010,193 Group No. 1773
Filed: December 5, 2001 Examiner:
For: NON-CHARGING RESIN COMPOSITE AND METHOD OF MANUFACTURING THE SAME

☐ Patent No.: _____ Issue date: _____

**NOTE: Preferably also insert inventor's name and invention title.*

**Assistant Commissioner for Patents
Washington, D.C. 20231**

**PETITION TO CORRECT CORRESPONDENCE FILING DATE
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
ON EXPRESS MAIL LABEL
(37 C.F.R. § 1.10(d))**

NOTE: See § 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified

☒ application

☐ patent

a filing date of 12/05/01 (Date), which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

2. Submitted herewith is the statement of Deanna M. Rivernider as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(d)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. ET755554034US and that the number of the Express Mail was placed thereon prior to the original mailing. 37 C.F.R. § 1.10(d)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 7/14/02

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

Deanna M. Rivernider

(type or print name of person certifying)

(Petition to Accord Correspondence Filing Date For "Date-in" Incorrectly Entered or Omitted on Express Mail Label—[8-14]—page 1 of 3)

4. Correction is required because:

- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the envelope delivered to the P.T.O., but the correct date was entered on Express Mail label.
- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label and on the envelope delivered to the P.T.O.
- ☒ Deposit of correspondence at an Express Mail drop box and wrong date entered by U.S.P.S. *
- ☐ Other:

***Copy of the Customer Receipt of the Express Mail Label was not received from the U.S.P.S.**

5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

NOTE: Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. A notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

The reason the PTO considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:

- (1) created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or*
- (2) created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail").*

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

☐ Evidence from the U.S.P.S. as follows:

☒ Express Mail Log that Came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S.

☐ Other:

6. The petition fee (37 C.F.R. § 1.17(h)–\$130.00) is paid as follows:

☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00

☒ Authorization is hereby made to charge the amount of \$ _____

☒ to Deposit Account No. 04-1105

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.


☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 33,860

Tel. No.: (617) 523-3400

Customer No.:


SIGNATURE OF PRACTITIONER

Peter F. Corless

(type or print name of practitioner)

Edwards & Angell, LLP

Dike, Bronstein, Roberts & Cushman, IP Group

P.O. Address

P.O. Box 9169

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